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ORIGINAL: RUSSIAN

LETTER DATED 19 APRIL 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you of the following.

On 15 April 1994 at a meeting of the Heads of State of the Commonwealth of Independent States held in Moscow on the initiative of Azerbaijan, a Declaration on the maintenance of the sovereignty, territorial integrity and inviolability of the frontiers of States members of the Commonwealth of Independent States was signed.

The Declaration was signed by 11 of the 12 members of the Commonwealth.

The only member of the Commonwealth which did not sign the Declaration was Armenia.

I should like to point out that this is not the first time that Armenia has been evasive or blocked the adoption within the framework of international forums of decisions reaffirming the sovereignty and territorial integrity of States.

For instance, Armenia did not join in the consensus and refused to support a decision by the Council of Ministers of the Conference on Security and Cooperation in Europe (CSCE) in Rome in November 1993 and a Declaration of the North Atlantic Cooperation Council in Brussels in December 1993 - international documents which reaffirmed the sovereignty and territorial integrity of Azerbaijan.

Such acts on the part of Armenia are yet further evidence of its territorial claims on Azerbaijan, in furtherance of which Armenia is also committing armed aggression against Azerbaijan.

It is clear that the world community must not allow Armenia to disregard and violate the fundamental principles of international law and must take appropriate action to put a stop to Armenia's aggression against Azerbaijan.

I should be grateful if you would have this letter and the annex thereto circulated as a document of the Security Council.

(Signed) Yashar T. ALIYEV
Chargé d'affaires a.i.

/...

Annex

Declaration on the maintenance of the sovereignty, territorial integrity and inviolability of the frontiers of States members of the Commonwealth of Independent States

The Heads of State of the Commonwealth of Independent States,

In accordance with the desire of the States members of the Commonwealth of Independent States to preserve and strengthen their traditionally close ties of friendship and good-neighbourly relations,

Bearing in mind the importance of problems relating to the strengthening of peace and security in the territories of the States members of the Commonwealth, in the context of the safeguarding of European and international security and the maintenance of the sovereignty, territorial integrity and inviolability of the frontiers of States members of the Commonwealth,

Expressing serious concern over the armed conflicts of various kinds,

Guided by the generally accepted rules of international law, the purposes and principles of the Charter of the United Nations and of the Conference on Security and Cooperation in Europe and the basic documents of the Commonwealth of Independent States,

Respecting the sovereignty and reaffirming the territorial integrity and the inviolability of the frontiers of the other members of the Commonwealth, and the refusal to acquire territory illegally or to commit any other acts aimed at the dismemberment of the territory of another State,

On the basis of the principles of non-interference in the internal affairs of others, the equality of rights and self-determination of peoples and the non-use and condemnation of the use or threat of the use of force,

Conscious of the interdependence of the security of the States members of the Commonwealth,

Being committed to the general goal of strengthening the Commonwealth,

Declare that the States members of the Commonwealth of Independent States:

1. Will ensure compliance, in their mutual relations, with the principles of sovereignty, territorial integrity and the inviolability of frontiers;

2. Reaffirm that, in building their relations of friendship, the States will refrain from military, political, economic or any other form of pressure, including a blockade, and from support for and the use of separatism against the territorial integrity and inviolability and the political independence of any State member of the Commonwealth;

3. Confirm that the seizure of territory by force cannot be recognized and that the occupation of the territory of a State cannot be used to gain international recognition or to force a change in its legal status;

4. Express the conviction that respect for the principle of non-interference in each other's internal affairs is the most important condition for the strengthening of the relations of friendship and partnership between the States members of the Commonwealth of Independent States;

5. Will prevent, in accordance with their national legislation, the establishment and activities in their territory of organizations and groups, and the activities of individuals, directed against the independence and territorial integrity of States members of the Commonwealth or aimed at the exacerbation of international relations;

6. Reaffirm their readiness to promote the settlement of disputes and conflicts through the use of the mechanisms agreed in each specific case and provided for that purpose in the corresponding documents adopted within the framework of the Commonwealth of Independent States, the United Nations and the Conference on Security and Cooperation in Europe;

7. Will consider, during meetings of the Heads of State of the Commonwealth, questions relating to the implementation of the basic documents of the Commonwealth of Independent States and of international treaties and agreements on the questions dealt with in this Declaration with a view to ensuring effective compliance with them.

DONE at Moscow, on 15 April 1994, in a single copy in the Russian language. The original copy shall be kept in the Archives of the Government of the Republic of Belarus, which shall transmit a certified copy thereof to the States which have signed this Declaration.

For the Azerbaijani Republic:

Heydar ALIYEV

For the Republic of Armenia:

For the Republic of Belarus:

Mechislav GRIB
President of the
Supreme Council

For the Republic of Georgia:

Edouard SHEVARDNADZE
President of the Parliament
Head of State

For the Republic of Kazakhstan:

Erik ASANBAEV
Vice-President

For the Kyrgyz Republic:

Askar AKAYEV

For the Republic of Moldova:

Mircea SNEGUR

For the Russian Federation:

Boris YELTSIN

For the Republic of Tajikistan:

Emomali RAKHMONOV
President of the
Supreme Council

For Turkmenistan:

Saparmurat NIYAZOV

For Ukraine:

Leonid KRAVCHUK

For the Republic of Uzbekistan:

Islam KARIMOV

Moscow, 15 April 1994

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20 April 1994

ORIGINAL: ENGLISH

LETTER DATED 20 APRIL 1994 FROM THE CHARGE D'AFFAIRES OF THE PERMANENT MISSION OF MALAYSIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith a statement issued by the Minister of Foreign Affairs, Malaysia on 20 April in Kuala Lumpur concerning the situation in Gorazde and the support for NATO airstrikes for the protection of all United Nations designated safe areas in Bosnia-Herzegovina.

I should be grateful if you would have this letter and its annex circulated as a Security Council document.

(Signed) S. THANARAJASINGAM
Chargé d'affaires, a.i.

Annex

STATEMENT BY THE MINISTER OF FOREIGN AFFAIRS, MALAYSIA

MALAYSIA BACKS UNITED NATIONS SECRETARY-GENERAL'S REQUEST TO NATO ON SAFE AREAS AND CALLS FOR EFFECTIVE ACTION AGAINST SERB FORCES IN GORAZDE

Malaysia expresses its grave concern over the continued attacks by the Serb forces on Gorazde, a United Nations designated safe area in Bosnia-Herzegovina. We strongly condemn the brutal carnage of Gorazde by the Serbs, resulting in the death and injury of hundreds of innocent civilians as well as threatening the safety of UNPROFOR personnel. This latest Serbian action is an undisguised manifestation of Serbia's defiance and disregard for the United Nations. It represents a serious challenge to the Security Council and the international community.

Malaysia views the bombardment of Gorazde as a continuation of the cruel policy of ethnic cleansing and part and parcel of Serbian design to establish a Greater Serbia. Malaysia will oppose any move to accept the fait accompli brought about by the use of force.

Malaysia welcomes and supports the decision by the United Nations Secretary-General to request NATO to authorize air strikes for the protection of all United Nations designated safe areas in Bosnia-Herzegovina. Malaysia hopes that NATO would respond positively and promptly.

Malaysia also urges the Security Council to lift immediately the arms embargo to allow the Government of the Republic of Bosnia-Herzegovina to exercise its right of self-defence.

Kuala Lumpur
20 April 1994

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21 April 1994

ORIGINAL: ENGLISH

LETTER DATED 21 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF UGANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In view of the Security Council's deliberations on the situation in Rwanda, I have the honour to convey to you, in your capacity as President of the Security Council, an urgent plea from my President, H.E. Yoweri Kaguta Museveni.

The Ugandan Government has in a press release already registered its regret at the tragic and untimely death of the Presidents of Rwanda and Burundi. The resulting unrest, insecurity and massacre of innocent civilians has shocked and outraged the international community, and it must stop.

H.E. President Yoweri Museveni wishes to appeal through you to the Security Council that the United Nations Assistance Mission for Rwanda (UNAMIR) should maintain its presence in the war-torn neighbouring country in order to:

(a) Continue providing humanitarian assistance to the Rwandese people who are in great need;

(b) Facilitate mediation between the warring factions;

(c) Involve regional groupings to continue in the search for a lasting solution, particularly through the implementation of the Arusha peace process.

I should be grateful if you would have the content of this letter circulated as a document of the Security Council.

(Signed) Perezi KAMUNANWIRE
Permanent Representative

94-18917 (E) 210494

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21 April 1994

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LETTER DATED 21 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached letter of today's date from my Prime Minister Mr. Haris Silajdzic, addressed to you.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative

Annex

Letter dated 21 April 1994 from the Prime Minister of Bosnia and Herzegovina to the President of the Security Council

We have just been informed that Serbian extremist forces, besieging the "safe area" of Gorazde have issued an ultimatum to government defence forces located within the centre of the city. The Serbian extremists' ultimatum demands that government forces withdraw completely from areas in the city lying on the eastern bank of the Drina River. In addition government forces are required to withdraw from areas lying within a 3-kilometre radius from the western side of the Drina. Under this ultimatum, United Nations Protection Force (UNPROFOR) troops will not be permitted to enter the city and any evacuation of wounded civilians or UNPROFOR personnel will be prevented, until government defence forces comply. The ultimatum further states that, if government forces refuse to comply with its provisions by 1600 hours Central European Time, the Serbian aggressor will level the city to the ground.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Haris SILAJDZIC
Prime Minister

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21 April 1994

ORIGINAL: ENGLISH

LETTER DATED 21 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF BANGLADESH TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In the light of Security Council deliberations on the situation in Rwanda, its implications on the role of the United Nations Assistance Mission for Rwanda (UNAMIR) and the periodic consultations undertaken by you with representatives of troop-contributing countries, I have the honour to inform you of the Government of Bangladesh's views on this subject-matter. I should be grateful if you could bring these views to the attention of the members of the Security Council. A copy of this letter is also being addressed to the Secretary-General.

The situation in Rwanda remains chaotic, dangerous and unpredictable. The mandate of the Mission has been drastically altered by events on the ground. The Arusha peace accord process appears to be derailed. Sustained efforts towards negotiating a cease-fire by United Nations representatives have resulted in little or no progress although efforts continue through the Organization of African Unity (OAU). UNAMIR forces, already depleted by the withdrawal of the Belgian contingent, are short of equipment, weapons and ammunition even to protect themselves. They are being drawn into cross-fires between rival factions that could compromise their neutrality. Indeed, a crucial point for consideration by the Council is whether UNAMIR is serving any useful purpose while exposed to the serious danger of a rapidly deteriorating situation.

It is in this broad context that the Government of Bangladesh has assessed the continued participation of its troops in UNAMIR. Its position is as follows:

(a) Bangladesh has placed its contingent in UNAMIR at the disposal of the Secretary-General for peace-keeping operations. It is our expectation that the Secretary-General will assume full responsibility for ensuring their personal safety and security in discharging their mandated responsibility as peace-keepers;

(b) The assessment of the political and security situation on the ground is the responsibility of the Secretary-General;

(c) Under the present political, military and legal circumstances obtaining in Kigali, the Bangladeshi contingent is exposed to unnecessary risk to its life and security. Bangladeshi troops do not even have adequate weapons to defend themselves, if attacked by any organized groups;

(d) If it is decided by the Secretary-General to keep Bangladeshi troops in Rwanda as a part of UNAMIR, then in our view the following should be done:

(i) Their security and safety may be ensured through political means. The fighting factions in Rwanda should make a clear and dependable political commitment to the United Nations or OAU that they will not harm or attack the UNAMIR forces;

(ii) In the event that the Secretary-General finds the political arrangements in subparagraph (d) (i) above acceptable, then until a new cease-fire can be negotiated, Bangladeshi troops in Rwanda will have to be further reinforced and they must be given the necessary heavy equipment, including artillery and armoured personnel carriers (APCs) to defend themselves, if attacked;

(e) If in the assessment of the Secretary-General, the security and political situation in Rwanda would not permit the safe stay of UNAMIR elements in Rwanda, then the Bangladeshi contingent may be relocated to a nearby country. This would enable the Bangladeshi contingent to return to Rwanda as soon as a new peace accord is signed.

I should be grateful if you would have this letter circulated as a Security Council document.

(Signed) Reaz RAHMAN
Permanent Representative

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21 April 1994

ORIGINAL: ENGLISH

LETTER DATED 21 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF PAKISTAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On behalf of the members of the Organization of the Islamic Conference, I have the honour to request that the Security Council extend an invitation to Mr. Engin Ahmet Ansay, Ambassador, Permanent Observer for the Organization of the Islamic Conference to the United Nations, to address the Council under rule 39 of its provisional rules of procedure in the course of the Council's consideration on 21 April 1994 of the item "The situation in the Republic of Bosnia and Herzegovina".

(Signed) Jamsheed K. A. MARKER
Ambassador
Permanent Representative

94-19020 (E) 220494 24/04/94

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ORIGINAL: ENGLISH

LETTER DATED 21 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF BRUNEI DARUSSALAM TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith the text of a statement issued by the Ministry of Foreign Affairs of Brunei Darussalam on the tragedy in Gorazde, Bosnia and Herzegovina.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Pengiran ABDUL MOMIN
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the United Nations

Annex

Statement of Brunei Darussalam on the tragedy in Gorazde, Bosnia and Herzegovina

Brunei Darussalam is shocked by the Bosnian Serbs' defiance of the international community and their violations of all humanitarian norms as illustrated by their attack on Gorazde. We support the call by the Secretary-General of the United Nations for air strikes to protect the safe areas and the lives of all Bosnians.

We also reiterate our belief that the arms embargo must be lifted immediately to allow the Bosnians to defend themselves, as this is the legitimate right of all sovereign nations.

We join all similarly concerned members of the international community in demanding effective action by the Security Council to protect the people of a sovereign State and a fellow member of the United Nations.

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ORIGINAL: ENGLISH

LETTER DATED 21 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea dated 20 April 1994.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

Annex

Memorandum dated 20 April 1994 of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea

The recent developments in international relations over the nuclear issue on the Korean peninsula have assumed dimensions of serious confrontation.

The situation has presented much greater complexity particularly since 31 March, when the Security Council issued a Presidential Statement imposing unreasonable follow-on inspections on the Democratic People's Republic of Korea. The United States of America and its satellite forces have resorted to the one-track course of pressure by enjoining full-scope inspections under the Safeguards Agreement on the Democratic People's Republic of Korea without regard to the unique status of the Democratic People's Republic of Korea, which has temporarily suspended the effectuation of its declared withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and such action has placed grave difficulties in the way of efforts to resolve the nuclear issue.

The nuclear issue today stands at a crossroads where the issue can be resolved through dialogue and negotiations in keeping with the Democratic People's Republic of Korea's unique NPT status or the issue will remain unresolved permanently because of strong-arm actions and confrontation.

In view of the current situation, the Ministry of Foreign Affairs of the Democratic People's Republic of Korea issues this memorandum in order to shed light on the major obstacles blocking a resolution of the nuclear issue and the truth behind them.

I. THE ORIGIN OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA'S UNIQUE NPT STATUS AND ITS ESSENCE

The key to resolving the nuclear issue is a fair and step-by-step solution befitting the Democratic People's Republic of Korea's unique status based on its temporary suspension of the effectuation of its announced withdrawal from NPT.

The Democratic People's Republic of Korea finds itself in a unique status based on its temporary suspension of the effectuation of its announced withdrawal from NPT.

As is known already, the Government of the Democratic People's Republic of Korea announced its decision on 12 March 1993 to withdraw from NPT in order to safeguard supreme State interests, in accordance with paragraph 1 of article X of the Treaty. The Democratic People's Republic of Korea's decision to temporarily suspend the effectuation of s withdrawal from NPT, as contained in the 11 June 1993 joint statement of the Democratic People's Republic of Korea and the United States of America, was a provisional measure which the Democratic People's Republic of Korea undertook unilaterally on the premise that the negotiations between the Democratic People's Republic of Korea and the United

States of America for a peaceful resolution of the nuclear issue would continue on an equal and unprejudiced basis.

This implies that the Democratic People's Republic of Korea and the United States are clearly the legal parties responsible for the suspension of the effectuation of the Democratic People's Republic of Korea's withdrawal from the Treaty. As far as the Safeguards Agreement is concerned, the Agreement was concluded pursuant to paragraph 4 of article III of NPT, and therefore the legal validity of the Agreement has been as good as suspended since 12 June 1993, when the Democratic People's Republic of Korea's withdrawal from the Treaty was to come into force in the absence of any subsequent particular agreement thereon between the Democratic People's Republic of Korea and the International Atomic Energy Agency (IAEA). This notwithstanding, the Democratic People's Republic of Korea and IAEA have so far managed to reach a bilateral agreement on the limited-scope inspection activities which have been carried out accordingly. This was possible entirely thanks to the voluntary goodwill steps taken by the Democratic People's Republic of Korea in order to demonstrate the transparency of its nuclear activities.

The United States and the IAEA secretariat, too, have recognized the Democratic People's Republic of Korea's unique NPT status.

At the working-level contact in New York on 10 December 1993 between the Democratic People's Republic of Korea and the United States of America, United States Deputy Assistant Secretary of State for East Asia and Pacific Affairs Thomas Hubbard said "the United States understands the Democratic People's Republic of Korea's unique status resulting from its temporary suspension of the effectuation of the declared withdrawal from NPT" and "we want the Democratic People's Republic of Korea to accept technical requirements for maintaining the continuity of safeguards, not the Agency's legal requirements".

Assistant Secretary of State for Political-Military Affairs Robert L. Gallucci, Head of the United States delegation to the talks between the two States, addressed a message on 2 February 1994 to his Democratic People's Republic of Korea counterpart, in which he said, "we understand that inspections sought by IAEA for the continuity of safeguards are designed to ensure non-diversion of nuclear material since the previous full inspection".

This is a de facto acceptance by the United States that the inspection needed for the continuity of safeguards is not a routine or ad hoc inspection under the Safeguards Agreement, but an inspection limited only to the purpose of verifying that there has been no diversion of nuclear material in the Democratic People's Republic of Korea since February 1993, when the inspections required by the Safeguards Agreement were suspended. At the same time, this also serves as clear evidence that the United States has accepted and respects the Democratic People's Republic of Korea's current unique NPT status.

IAEA, too, has recognized the Democratic People's Republic of Korea's unique status in the practice of its inspection activities. In his report of 24 March 1994 to the Security Council on the results of the Agency's March inspection activities in the Democratic People's Republic of Korea, the Director

General of IAEA stated that the Democratic People's Republic of Korea said it needed only to ensure the continuity of safeguards because of its unique status.

And in this sense the Democratic People's Republic of Korea accepted the Agency's inspections in May and August 1993 for the servicing and reloading of the surveillance equipment. This is none other than an acceptance by IAEA itself of the Democratic People's Republic of Korea's unique status.

Had the IAEA secretariat had any sound reasons or grounds to urge the Democratic People's Republic of Korea to fulfil its obligations under the Safeguards Agreement, it would never have agreed to such an extremely limited inspection aimed only at servicing and reloading the surveillance equipment, as referred to by the Agency's Director General.

The same is the case with the March 1994 inspection of which the Agency has made an "issue". In his above-mentioned report, the Agency's Director General said that in reaching the agreement between the Democratic People's Republic of Korea and IAEA on 15 February 1994, which became the basis for the latest inspection, "we discussed only the contents of the inspection needed, at the present juncture, for maintaining the continuity of safeguards, not the legal grounds for the inspection".

In the final analysis, the IAEA secretariat has proved by itself that it could not deny the Democratic People's Republic of Korea's unique status in relation to the Safeguards Agreement but accepted and tolerated its unique status and, on this basis, has performed its inspection activities.

Despite these facts, the United States and the Agency secretariat are still talking about "non-compliance with the Safeguards Agreement" and "full inspection", stressing that the Democratic People's Republic of Korea should yet fully live up to its obligations under the Safeguards Agreement.

Such action clearly shows that they are using the leverage of the Safeguards Agreement for attaining their dishonest political objectives, strangling the Democratic People's Republic of Korea's political system.

Masterminded by the United States, the IAEA secretariat convened a meeting of the Agency's Board of Governors on 21 March 1994 to deal with the Democratic People's Republic of Korea's so-called "nuclear issue" and engineered the adoption by the Board of a "resolution", which says that the Democratic People's Republic of Korea "is in further non-compliance with its Safeguards Agreement by not allowing IAEA inspectors to conduct indispensable inspection activities to verify that there had been no diversion of nuclear material".

In its Presidential Statement dated 31 March 1994, the Security Council "calls upon the Democratic People's Republic of Korea to allow the IAEA inspectors to complete the inspection activities ... as a step in fulfilling its obligations under the Safeguards Agreement and in honouring non-proliferation obligations of the Treaty". This is also clearly nothing but a demand that the Democratic People's Republic of Korea agree to full implementation of the Safeguards Agreement. The persistency with which the United States and IAEA have called for the Democratic People's Republic of Korea's full implementation

of the Safeguards Agreement is based on their intention to categorically negate the legality of the Democratic People's Republic of Korea's current unique status and to justify their machinations of strangling the Democratic People's Republic of Korea.

Even in the light of the premise on which the Safeguards Agreement was approved, the legal effect of the Agreement is, in fact, as good as suspended.

On 9 April 1992, the third session of the Ninth Supreme People's Assembly of the Democratic People's Republic of Korea considered the Safeguards Agreement to be concluded between the Democratic People's Republic of Korea and IAEA and adopted and announced its resolution approving the Agreement, "on the premise that none of the depositaries of the Treaty on the Non-Proliferation of Nuclear Weapons will either deploy nuclear weapons on the Korean peninsula or resort to nuclear threat against us".

But the elimination of the nuclear threat by a depositary of the Treaty against the Democratic People's Republic of Korea - which is included in the above-stated premise - remains yet to be achieved, and the United States, one of the depositaries, is on the contrary further increasing its nuclear threat against the Democratic People's Republic of Korea, particularly by openly disclosing its intention to resume the "Team Spirit '94" joint military exercises, a nuclear war test targeting the Democratic People's Republic of Korea, and massing its armed forces on and around the Korean peninsula. Such actions on the part of the United States destroyed the legal basis of the Democratic People's Republic of Korea's approval of the Safeguards Agreement and create circumstances that prevent the Democratic People's Republic of Korea from implementing the Safeguards Agreement.

The IAEA secretariat is a party to the Safeguards Agreement, but the partiality and injustice of its actions give the Democratic People's Republic of Korea unambiguous grounds to withhold full implementation of the Safeguards Agreement.

The Vienna Convention on the Law of Treaties provides in paragraph 1 of article 60 that "a material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part".

The IAEA secretariat fundamentally breached the Safeguards Agreement when it artificially fabricated the so-called "inconsistencies" and, on the basis of the intelligence information forged by the United States, triggered an Agency "resolution" calling for "special inspection" aimed at opening up the "two military sites" of the Democratic People's Republic of Korea, another party to the Safeguards Agreement. Therefore, it follows, as a matter of course, that the Democratic People's Republic of Korea, as a party to the Agreement, is entitled to the legitimate right to suspend the effect of the Agreement in whole or in part.

II. THE CONSISTENT EFFORTS BY THE GOVERNMENT OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE CONTINUITY OF SAFEGUARDS

Despite the extraordinary situation characterized by its unilateral decision to suspend temporarily the effectuation of its announced withdrawal from NPT, the Government of the Democratic People's Republic of Korea has provided its sincere cooperation to the IAEA inspection activities needed for the continuity of safeguards at its nuclear facilities, as an expression of its willingness to demonstrate the transparency of its peaceful nuclear activities.

In keeping with its promise to the United States, the Government of the Democratic People's Republic of Korea has placed the nuclear activities within the Democratic People's Republic of Korea's territory strictly under IAEA surveillance.

At present, the IAEA-installed containment devices at the Democratic People's Republic of Korea's five-megawatt Experimental Atomic Power Plant and the Radiochemical Laboratory alone include over 40 metal seals and more than 10 paper seals, gamma mappings at 20 points, over 50 sheets of status change identification photographs and the spike liquid for freezing processes at five vessels, and the Agency's surveillance devices installed at these facilities are six surveillance cameras, one spent fuel rod counter and three thermal luminescence detectors. This is unquestionable evidence that the Democratic People's Republic of Korea's nuclear facilities remain under the double and triple systems of IAEA strict containment and surveillance.

In early December 1993, an IAEA spokesman admitted that the continuity of safeguards is maintained at the Democratic People's Republic of Korea's nuclear facilities, saying "the surveillance system is in operation with double and triple backup systems of complementary facility containment and surveillance devices, and its unique character is that any malfunction of a certain device falls short of determining the interruption of the continuity. Therefore, the absence of inspection cannot lead to a total impossibility of safeguards surveillance".

Even at present, the surveillance cameras and containment devices installed by IAEA still remain in place at the Democratic People's Republic of Korea's facilities.

Whenever the IAEA secretariat proposed to send inspection teams for the purpose of maintaining the continuity of safeguards, the Democratic People's Republic of Korea agreed to receive the inspection teams and allowed them to replace the tapes and accessories of the surveillance equipment, to identify the seals and to conduct physical inventory verification activities required for the continuity of safeguards surveillance.

Such sincere efforts by the Democratic People's Republic of Korea resulted in successful inspections by the Agency for the continuity of safeguards in May and August 1993, when the Agency inspectors services and reloaded containment and surveillance devices at the five-megawatt Experimental Atomic Power Plant and the Radiochemical Laboratory, the two facilities to which IAEA attaches importance.

In view of the size and present condition of the Democratic People's Republic of Korea's nuclear facilities, the containment and surveillance devices installed at these major facilities alone are enough to fully verify non-diversion of nuclear material to other purposes in the Democratic People's Republic of Korea.

In his telex dated 14 September 1993 to the Director-General of the Democratic People's Republic of Korea's General Department of Atomic Energy, the IAEA Director General pointed out that the inspection activities in May and August 1993 helped to maintain the continuity of safeguards knowledge.

Even in the extraordinary circumstances following its temporary suspension of the effectuation of its withdrawal from NPT, the Government of the Democratic People's Republic of Korea took goodwill steps of accepting the IAEA inspections necessary for the continuity of safeguards of its nuclear facilities.

Motivated by its desire to fulfil in good faith both the Democratic People's Republic of Korea-United States of America Agreed Conclusions and the Democratic People's Republic of Korea-IAEA agreement, the Democratic People's Republic of Korea received the Agency inspection team on schedule in March 1994 and allowed the inspection team to perform sufficient inspection activities for maintaining the continuity of safeguards at the seven declared facilities.

These activities include servicing and reloading of the containment and surveillance devices as well as the "verification of physical inventory" of nuclear material. Such inspection activities have helped to fully verify non-diversion of nuclear material from the Democratic People's Republic of Korea's nuclear facilities and to provide firm assurances of the continuity of safeguards.

Pravda, dated 29 March 1994, said "IAEA has no evidence that North Korea has breached the international rules in the field of nuclear technology" and commented "the inspectors did not find out anything to prove their claim for an alleged military orientation of the research work there".

The Republic of Korea's Radio No. 1 quoted on 16 March 1994 the IAEA inspection team as reporting that "during the just concluded inspection in North Korea ... they carried out inspection activities, including the reloading of the surveillance equipment on a more progressive scale than the previous inspections".

On 28 February 1994, a United States Government official told a press interview, "the infrared photographs from the American reconnaissance satellite have revealed mostly that North Korea did not extract plutonium over the past year". Leonard Specter, senior researcher at the Carnegie Endowment for International Peace, said, "as for my understanding, there has been no problem at the reactor. After the inspection was complete, there has been no indication that the fuel was removed", and added, "they would not have this plant opened up for the world to see if they wanted first and foremost to try to build up their nuclear weapons programme".

United States Assistant Secretary of State for East Asia and Pacific Affairs Winston Lord and other United States officials concerned also said, "through the Agency's inspection, it is almost certain that North Korea has not engaged in any further reprocessing activities since it announced its decision to pull out of the Treaty".

The restriction of the inspection of the Democratic People's Republic of Korea's nuclear facilities to a limited inspection only for the continuity of safeguards is an inevitable case befitting the Democratic People's Republic of Korea's unique status.

During the period from 1 to 15 March 1994, when the inspection activities took place, the Democratic People's Republic of Korea did not allow smear-taking in the glove-box area and gamma mapping for the filtering device at the Radiochemical Laboratory requested by the inspection team because it was an inordinate demand, going beyond the scope of maintaining the continuity of safeguards. If, at that time, the Democratic People's Republic of Korea had allowed the requested samplings and measurements unrelated to the continuity of safeguards, then the IAEA secretariat would have played on it to frame up "inconsistencies" again, as it did previously, and would have complicated the matter by talking about "special inspections" and so forth.

In reality, the IAEA secretariat is now raising a hue and cry, as if the Democratic People's Republic of Korea's alleged restriction of the scope of the recent inspection activities were responsible for a so-called non-implementation of the 15 February 1994 Democratic People's Republic of Korea-IAEA agreement. This shows that the Agency secretariat continues seeking its dishonest political purposes by distorting the truth in an attempt to impute all the responsibilities to the Democratic People's Republic of Korea. The Agency secretariat's unwarranted demand for samplings and measurements at the Radiochemical Laboratory during the recent inspection constitutes a clear violation of the 15 February 1994 agreement, designed exclusively for maintaining the continuity of safeguards.

As for the disputed smear-taking in the glove-box area of the Radiochemical Laboratory, for which the Agency secretariat insists on the "completion of inspection", the smear-taking has no relevance at all to the continuity of safeguards but falls into the category of the verification of correctness and completeness of the initial report on nuclear material. The smear-taking in this area is directly related with the so-called "inconsistencies" which still stand unresolved between the two sides, and this the Agency already knows well. However, the Democratic People's Republic of Korea showed a highly cooperative spirit by recommending a sample-taking of the spike liquid for the inspectors to conduct an effective verification in the glove-box area and assisting them in sampling the spike liquid. Analysis of this sampled liquid alone is more than enough to determine non-diversion of nuclear material.

Despite these facts, the Agency secretariat made an unjust and unilateral conclusion, namely, that it "remains unable to verify that there has been no reprocessing activity at the Radiochemical Laboratory" and referred the Democratic People's Republic of Korea's "nuclear issue" to the Security Council,

an action which cannot be viewed otherwise but clearly as a calculated anti-Democratic People's Republic of Korea stratagem.

Any inspections under the Safeguards Agreement will never be allowed, as long as the current situation continues with the Democratic People's Republic of Korea's unique status based on its temporary suspension of the effectuation of its declared withdrawal from NPT.

The inspection activities that befit the Democratic People's Republic of Korea's current unique status are only the inspection activities necessary for maintaining the continuity of safeguards.

The case is the same with regard to an inspection of the Democratic People's Republic of Korea's normal peaceful nuclear activities. How long the Democratic People's Republic of Korea's unique status will last depends entirely on when the United States renounces its nuclear threat against the Democratic People's Republic of Korea as well as its policy of antagonizing and strangling it and, at the same time, when the Agency redresses its partiality and injustice to the Democratic People's Republic of Korea. The Democratic People's Republic of Korea's unique status would naturally terminate if a further round of talks took place between the Democratic People's Republic of Korea and the United States and simultaneously steps were taken with a view to resolving the nuclear issue once and for all on the principle of the proposed package solution.

III. THE INJUSTICE OF APPLYING DOUBLE STANDARDS TO THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA'S "NUCLEAR ISSUE"

At present, the IAEA secretariat and the Security Council, both in support of the United States policy of antagonizing and strangling the Democratic People's Republic of Korea, are openly applying their extremely discriminatory and prejudiced double standards to the Democratic People's Republic of Korea's "nuclear issue".

Under United States manipulation, some officials of the IAEA secretariat manoeuvred the adoption of the unjust anti-Democratic People's Republic of Korea "resolutions" one after another, charging the Democratic People's Republic of Korea with so-called "non-compliance with the Safeguards Agreement", and systematically tried to bring the Democratic People's Republic of Korea's "nuclear issue" to the United Nations.

The Security Council, also under United States behind-the-scenes manipulation, is used as a forum for an unwarranted discussion of the Democratic People's Republic of Korea's "nuclear issue" against the purposes and principles of its Charter.

International law must be applied without any prejudice to all States, irrespective of the size of their territories or the number of their population. The international organization connives at the United States posing a nuclear threat against the Democratic People's Republic of Korea and instead brings unilateral pressure to bear upon the victimized Democratic People's Republic of Korea. This is a clear example of application of double standards.

Some officials of the IAEA secretariat are unreasonably provoking the Democratic People's Republic of Korea over its peaceful nuclear activities, while conniving at the United States-patronized countries developing nuclear weapons.

In the practice of its inspection activities, IAEA defends some countries using their nuclear facilities for military purposes, saying "those are undeclared facilities", or "they are buildings about which there is no other available information related to the existence of nuclear materials".

Some officials of the IAEA secretariat have conducted more than 100 rounds of inspections in other countries but never made an issue of the tell-tale nuclear weapons development programme in some of these countries. But after only six rounds of inspections in the Democratic People's Republic of Korea, they fomented suspicions about alleged "nuclear weapons development" in the Democratic People's Republic of Korea and pushed through a Board of Governors resolution calling for "special inspection". This is a graphic illustration of how far their double standards policy has gone against the Democratic People's Republic of Korea. On 1 April 1993 the Editor of the Tanzania newspaper Motomoto said that the United States feigns ignorance of the nuclear development programme in some countries but, on the other hand, it "persists in its efforts to fault North Korea's alleged 'nuclear development' and its declared intention to withdraw from NPT despite its faithful implementation of the NPT obligations because, in a nutshell, that nation is regarded as a cancerous entity hampering the United States attempts to establish a new global order".

The Bangkok Post, dated 15 April 1993, carried an article entitled "Why nuclear arms is based on racial discrimination" which says double standards are now applied clearly towards the attitude of the Democratic People's Republic of Korea, which has expressed its displeasure over the discriminatory nature of NPT and announced its intention to withdraw from the Treaty, on the one hand, and towards the attitude of certain countries that have acknowledged having produced nuclear bombs with equivalent fire power to that of the bomb dropped on Hiroshima during the Second World War on the other.

Pravda dated 30 March 1993 also reported, "many observers are highly suspicious of the nuclear programmes of a number of countries, which remain out of sight of the United States and IAEA", and deplored: "the United States demand for North Korea's acceptance of inspections of its military sites is astonishing".

The abnormal situation is such that the nations on which sanctions should be imposed go unchallenged while pressure is imposed on an innocent nation.

Some officials of the IAEA secretariat connived at the nuclear weapons development programme of United States patronized countries but, in the case of the Democratic People's Republic of Korea, they did not hesitate to use openly the forged intelligence information and satellite photographs from a third country which are forbidden to be used for inspection activities, in a desperate attempt to create a "suspicion about the nuclear development" in the Democratic People's Republic of Korea.

None of the provisions in the IAEA Statute and the Safeguards Agreement stipulates usability of a third country's intelligence information in the Agency's inspection activities.

However, some officials of the IAEA secretariat have breached the IAEA Statute and the Safeguards Agreement by systematically using falsified intelligence information from a third country for their inspections at the Democratic People's Republic of Korea's nuclear facilities.

On 16 November 1990, the Japanese Jiji news service disclosed that, in a bid to arouse suspicion about the Democratic People's Republic of Korea's nuclear activities, the United States "adventurously faked up" reconnaissance satellite photographs and circulated them among the IAEA secretariat and the Western countries to peddle around the "suspected nuclear arms development programme" in the Democratic People's Republic of Korea.

The Washington Post dated 27 April 1993 acknowledged that "the Clinton Administration provided IAEA with photographs from the United States reconnaissance satellite as evidence of 'North Korea's nuclear weapons development programme'".

A United Kingdom newspaper, Daily Affairs International, dated 4 April 1994, carried an article by its deputy editor Keith Bennett, entitled "Why should the third world nations defend North Korea?", which says:

> "The International Atomic Energy Agency has conducted inspections in this country and given it a 'clean bill of health' that the nuclear facilities in the country are used only for peaceful purposes. But, when the United States Central Intelligence Agency presented photographs from its eye-in-the-sky satellites, IAEA made a surprise move by pressing North Korea to accept 'special inspection', in wanton violation of the IAEA Statute providing against the use of information from extraneous sources to the purpose of its inspection activities. This is an example of the double standards applied by IAEA."

In reality, during the February 1993 meeting of the Agency's Board of Governors, the IAEA Director General screened the slide films of the forged satellite picture provided by the United States in an attempt to create a suspicion that a certain military site in the Democratic People's Republic of Korea is a "nuclear waste storage". In his address on 14 April 1993 to a conference on the Japanese atomic industry at Yokohama, the IAEA Director General stated openly that he would "continue using the United States intelligence information about the two locations around Nyongbyon for the Agency's inspections and go on obtaining North Korea's nuclear-related information from third countries even if North Korea may protest".

As seen in the above, the previous routine and ad hoc inspections conducted by IAEA were not inspections aimed at verifying the correctness and completeness of the Democratic People's Republic of Korea's initial report on nuclear material but they were, from the outset, IAEA-coated United States inspections to fabricate pretext for strangling the Democratic People's Republic of Korea on the basis of the intelligence information forged by the United States.

Moreover, some officials in the IAEA secretariat have systematically dished out to the United States and other hostile forces the confidential information to which they had obtained access in the course of the inspections at the Democratic People's Republic of Korea's nuclear facilities.

These actions constitute a gross violation of the provision of the Safeguards Agreement on protecting secrets and other confidential information coming to their knowledge during inspections. After all, the inspections at the Democratic People's Republic of Korea's nuclear facilities were, in the true sense of the word, "no-secret inspections" and "open inspections", and they were "joint inspections" and "cooperative inspections" under the "quadripartite system of coordination" of the United States, Japan, the Republic of Korea and IAEA.

All the above-cited facts show that the double standard policy pursued by the United States and IAEA with respect to the Democratic People's Republic of Korea's nuclear issue had reached its culmination and such policy has topped the height of injustice. As can be seen in the above, the attempts to force the Democratic People's Republic of Korea to fully implement obligations under the Safeguards Agreement at the present stage are motivated by the malevolent purposes to destroy the basis of the Democratic People's Republic of Korea's declaration of its decision to withdraw from the Treaty in the long run, by stretching the truth to make an impression that the Democratic People's Republic of Korea still remains a full State party to NPT.

As the Democratic People's Republic of Korea has stated in no uncertain terms the reasons for declaring its decision to withdraw from NPT, unless the United States renounces its policy of hostility and nuclear threat campaign against the Democratic People's Republic of Korea and unless the IAEA secretariat redresses its partiality and injustice to the Democratic People's Republic of Korea, the Democratic People's Republic of Korea's reinstatement in the Treaty will remain absolutely inconceivable and, therefore, full implementation of the Safeguards Agreement will have no meaning at the present stage. Inspection limited strictly to maintaining the continuity of safeguards alone is more than the Democratic People's Republic of Korea can accept in keeping with its unique status based on the temporary suspension of the effectuation of its announced withdrawal from NPT, and only contingent on progress in the Democratic People's Republic of Korea-United States of America talks.

The Democratic People's Republic of Korea's unique status was not of its own making intended for its selfish purposes, but it was imposed on the Democratic People's Republic of Korea against its will, by the United States and the IAEA secretariat because of the abnormal situation resulting from their unjust actions.

The Democratic People's Republic of Korea sincerely wants such an extraordinary situation to be straightened out as soon as possible and the nuclear issue to be resolved impartially.

To this end, the United States and the IAEA secretariat must clearly realize their responsibility for the origin of the nuclear issue and for its

current complexity, stop resorting to the unreasonable and contradictory method of double standards and pressure any longer, and must seek unprejudiced and substantial ways to resolve the nuclear issue once and for all.

Recent developments give serious lessons that dialogue and negotiations are the only way to attain an early resolution of the nuclear issue and to achieve detente and peace and that pressure and "sanctions" are the path of whipping up conflict and confrontation and thus blocking permanently the possibility of resolving the nuclear issue.

If the United States and the IAEA secretariat continue to resort to an unreasonable pressure campaign, ignoring such lessons of history, the nuclear issue will remain unresolved indefinitely and it will, in turn, entail irretrievable consequences jeopardizing peace and security in Asia and the rest of the world.

All the facts show that if they try at the present stage to restore confidence on a step-by-step basis through inspection designed for the continuity of safeguards in line with the Democratic People's Republic of Korea's current unique status and at the same time take a serious approach to the Democratic People's Republic of Korea-United States of America talks, the matters related to the implementation of the Safeguards Agreement will be sorted out in due course, and eventually the nuclear issue will be resolved once and for all.

UNITED
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Security Council

Distr.
GENERAL

S/1994/485
21 April 1994

ORIGINAL: ENGLISH

LETTER DATED 21 APRIL 1994 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I received earlier this month a letter from the Permanent Representative of Mozambique requesting the assistance of the Security Council in the appointment of the international members of the Mozambique Electoral Tribunal as provided for in the Mozambique Electoral Law. The letter advised that the Electoral Law provides that the international members of the tribunal shall be appointed by you on the recommendation of the Security Council.

Ambassador Afonso also called on me and explained that it was the view of his Government that the best assistance that the Security Council could provide on this matter would be for it to forward to you a list of potential candidates from which you could make your selection.

The members of the Council considered this request and agreed that they should facilitate the Mozambique electoral process to the extent they were able. Council members undertook to consider a number of potential candidates and to submit to you such names as they considered appropriate.

Following their consideration of the matter, the members of the Council have asked me to forward to you the attached list of names of persons from which you might wish to choose three persons who would be suitable for appointment as international members of the Mozambique Electoral Tribunal.

(Signed) Colin R. KEATING
President of the Security Council

Annex

POSSIBLE CANDIDATES FOR APPOINTMENT
TO MOZAMBIQUE ELECTORAL TRIBUNAL

Michel COAT (France)

Walter Ramos da COSTA PORTO (Brazil)

Mariano FIALLOS OYANGUREN (Nicaragua)

Juan Ignacio GARCIA RODRIGUEZ (Chile)

Joao MOREIRA CAMILO (Portugal)

Annex

[Original: Spanish]

Balance sheet of the pre-electoral situation
as of 20 April 1994

1. This is a situation report on the monitoring in the last few weeks by the United Nations Observer Mission in El Salvador (ONUSAL) of the conditions for holding the second round of voting in the presidential election next Sunday, 24 April. When the Secretary-General's fourth report on the activities of ONUSAL's Electoral Division was issued (S/1994/375), the official results of the first round were still not known. The results of the voting in the presidential election were as follows: Alianza Republicana Nacionalista (ARENA), 49.03 per cent; Coalition Convergencia Democratica (CD) - Frente Farabundo Martí para la Liberación Nacional (FMLN) - Movimiento Nacional Revolucionaria (MNR), 24.9 per cent; Partido Democrata Cristiano (PDC), 17.87 per cent; Partido Conciliación Nacional (PCN), 5.39 per cent; Partido Movimiento de Unidad (PMU), 2.41 per cent; Movimiento de Solidaridad Nacional (MSN), 1.06 per cent; and Movimiento Autentico Cristiano (MAC), 0.83 per cent. In view of those results and according to Salvadorian electoral law since no candidate had obtained a simple majority, a second round of voting in the presidential election had to be held between the two candidates having obtained the highest number of votes. Moreover, having failed to obtain 1 per cent of the votes and in accordance with article 261 of the Electoral Code, the MSN, MAC and MNR parties will be eliminated. As a result of the election for the Legislative Assembly, the 84 seats have been allocated as follows: ARENA 39; FMLN 21; PDC 18; PCN 4; CD 1; PMU 1. Finally the 262 mayoralties are distributed as follows: ARENA 206; PDC 29; FMLN 16; PCN 10; MAC 1.

2. While the series of irregularities noted in the Secretary-General's previous report (S/1994/375) did not represent any significant manipulation and had no impact on the outcome of the presidential election, those irregularities could have influenced some results in the elections for the Assembly and the Municipal Councils, given the smaller size of the electoral districts, and might give rise to a substantial number of challenges.

3. In line with the foregoing and in a letter addressed to the Supreme Electoral Tribunal on 24 March, ONUSAL made recommendations pointing out the most relevant flaws that should be rectified in the second round of voting. Some referred to the organization of the elections: the number of polling centres, transportation for the voters, guidance and training of the election officers at the polling stations and electoral publicity. With regard to the Electoral Register, it was recommended that particular attention should be paid to ensuring that the lists of eligible voters publicly posted and those at the polling stations were identical. A consensus was reached on those aspects shortly thereafter between the candidates (ARENA and the CD/FMLN/MNR Coalition) and the Supreme Electoral Tribunal in the course of meetings to consider the problem, based on a previously agreed timetable.

4. The ONUSAL Electoral Division assigned observers to the five areas of work which the candidates and the Tribunal regarded as most important, namely, the Electoral Roll, Computation, Printing, the Electoral Project and Training. ONUSAL verified that the ballot papers were printed in its presence and that of representatives of the parties, with the exception of the first 10,000 or so test ballots that were not numbered. No numbered ballots were printed when the ONUSAL observers were not present and they reported that the printing of the ballot papers was completed without incident.

5. It is hoped that the increase in the number of polling centres to 35, in particular in the area of greater San Salvador, will serve to relieve the congestion caused by crowds of voters on 24 April. However, this measure may not be sufficient to solve the problem of access to the polling centres experienced on 20 March. Furthermore, in light of the upcoming rainy season, the installation of hundreds of open air polling centres continues to be very risky.

6. There is concern about the limited and uneven success of the training programme for members of polling centres and stations. With the exception of the Department of Chalatenango, ONUSAL observers have reported irregular attendance by members of ARENA and the Coalition at the Tribunal's training sessions.

7. By the same token, there is no evidence that information officers are being groomed to guide voters at the polling centres, as the Tribunal has been advertising. There is still enough time to attend to this need. It is imperative that the Tribunal designate these officials as soon as possible and that it place big signs at the entrance to the polling centres indicating the first and last names of each polling station.

8. It is cause for concern that it is taking so long to find an arrangement acceptable to the Tribunal for dealing with the problem of transportation despite the availability of financial resources from various donors. A formula is being finalized that would offer free transportation in the rural areas and an agreement is being negotiated with the urban bus companies guaranteeing that all lines that normally operate in the city will be functioning. Since the polling centres in El Salvador are arranged in alphabetical order, not on the basis of proximity to the voters, which is unusual in such cases, it is essential that transportation be provided. It is clear that the supreme electoral authority cannot relinquish that responsibility.

9. ONUSAL has been informed that around 30,000 persons have been listed in the electoral roll, two thirds of whom had asked to be registered but had failed to submit the necessary birth certificates to support their requests. The remaining third consisted of replacements or changes. The Mission has also been informed that each polling station will receive two identical copies of the electoral roll. Previously, the rolls were different, in that the one at the polling table provided space for the voters to sign and make comments whereas the one posted for the public was more condensed. ONUSAL cannot but express its regret that, despite the amount of time and resources invested in registering voters, there continue to be problems that adversely affect the transparency of the electoral roll and the exercise of the right to vote.

10. With regard to the provisional count and the transmission of the results on the night of 24 April, it would be advisable for the Tribunal to do its utmost to avoid a recurrence of the information vacuum witnessed during the March election. It is obvious that for a number of reasons with which the Tribunal is familiar and which could recur on 24 April, the arrangements for collecting information were not workable. In this connection, ONUSAL has once again offered the Tribunal its technical services to collaborate with the staff resources available to the Tribunal in designing a system of information collection and phased counting of votes with a view to avoiding a recurrence of the distressing situation created during the first electoral round on 20 March. Together with the lack of information, that situation gave rise to speculation as to the fairness of the election, which the United Nations defended from the outset on the basis of the results of a "quick count".

11. With regard to challenges to the results of the voting, ONUSAL is concerned at the manner in which the file on the FMLN's protest against the electoral results in 37 municipalities was closed. It is the opinion of the Mission's legal services that those protests should have been examined more carefully. At the same time it regrets that, to date, no meeting has been held, as initially agreed by the Tribunal, between the legal experts of the challenging party, ONUSAL and the Tribunal, in order to study in detail the legal basis for the Tribunal's decision.

12. ONUSAL welcomed as a very positive move, the signing of the declaration by the two presidential candidates on Monday, 18 April, in which they express their faith in the country's governability, they pledge to conduct a dignified campaign and they promise to work during the next two years towards comprehensive reform of the electoral system. The Secretary-General also referred to electoral reform in his report of 31 March (S/1994/375). The United Nations will always stand ready to provide technical support for a thoroughgoing reform of the electoral system that includes a single identity document, voting in the area of residence and a closer relationship between the formulas for representation in the Assembly and in the municipalities.

13. Before the signing of the declaration by the presidential candidates, their respective campaign managers met and sent a joint letter to all the national media asking them not to accept electoral publicity from organizations or individuals other than those affiliated with the political parties of the candidates. The monitoring by the Tribunal of compliance with the law governing this matter will be of paramount importance.

14. With regard to the atmosphere in which the campaign is developing, the Electoral Division has received complaints of acts of intimidation and attempts to buy votes, especially in the Department of Sonsonate. It is regrettable that there have been a few isolated acts of violence during the electoral campaign.

15. As to publicity in the media, during the past two weeks ONUSAL has detected some advertising "spots" that violate the electoral law and the spirit of reconciliation of the Peace Agreements. The Mission is gratified that the agreement between the two candidates and their respective campaign managers has elevated the tone of the campaign.

UNITED
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Security Council

Distr.
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S/1994/487
27 April 1994
ENGLISH
ORIGINAL: ENGLISH, FRENCH
AND SPANISH

France, Russian Federation, Spain and United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Reaffirming its resolutions 908 (1994) of 31 March 1994 and 913 (1994) of 22 April 1994,

Having considered the reports of the Secretary-General of 11 March 1994 (S/1994/291), 16 March 1994 (S/1994/300), 24 March 1994 (S/1994/333 and Add.1) and his letter of 30 March 1994 (S/1994/367),

Determined to strengthen the United Nations Protection Force (UNPROFOR) operations in fulfilment of its mandate,

Reiterating its determination to ensure the security of UNPROFOR and its freedom of movement for all its missions, and to these ends, as regards UNPROFOR in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. Welcomes once again the reports of the Secretary-General of 11 March 1994 (S/1994/291), 16 March 1994 (S/1994/300) and 24 March 1994 (S/1994/333) and his letter of 30 March 1994 (S/1994/367);

2. Decides to authorize, as recommended by the Secretary-General in the above-mentioned documents, an increase of UNPROFOR personnel by up to 6,550 additional troops, 150 military observers and 275 civilian police monitors, in addition to the reinforcement already approved in resolution 908 (1994);

3. Decides to remain actively seized of the matter.

UNITED
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Security Council

Distr.
GENERAL

S/1994/488
21 April 1994

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR),

Recalling its resolution 909 (1994) of 5 April 1994, which extended the mandate of UNAMIR until 29 July 1994 with a six-week review provision on the understanding that progress would be made in establishing the transitional institutions provided for under the Arusha Peace Agreement between the Government of Rwanda and the Rwandese Patriotic Front,

Recalling also its statement of 7 April 1994 (S/PRST/1994/16) which, inter alia, reaffirmed its commitment to the Arusha Peace Agreement and urged all parties to implement it fully,

Having considered the report of the Secretary-General dated 20 April 1994 (S/1994/470),

Stressing that the Arusha Peace Agreement remains central to the peace process in Rwanda,

Expressing deep regret at the failure of the parties to implement fully the provisions of the Arusha Peace Agreement, particularly those provisions relating to the cease-fire,

Recognizing the initiatives made by the late Presidents of Rwanda and Burundi towards resolving the problems in their countries through peaceful means and in collaboration with regional leaders,

Shocked at the tragic incident that resulted in the deaths of the Presidents of Rwanda and Burundi on 6 April 1994,

Appalled at the ensuing large-scale violence in Rwanda, which has resulted in the death of thousands of innocent civilians, including women and children, the displacement of a significant number of the Rwandese population, including those who sought refuge with UNAMIR, and the significant increase in refugees to neighbouring countries,

Deeply concerned by continuing fighting, looting, banditry and the breakdown of law and order, particularly in Kigali,

Stressing the need for all countries to avoid any action that might exacerbate the situation in Rwanda,

Expressing its deep concern for the safety and security of UNAMIR and other United Nations personnel, and personnel of non-governmental organizations who are assisting in implementing the peace process and in distributing humanitarian relief,

1. Takes note of the report of the Secretary-General dated 20 April 1994;

2. Expresses regret at the tragic incident in which the Presidents of Rwanda and Burundi lost their lives, and reiterates its invitation to the Secretary-General to report to the Council as requested in its statement of 7 April 1994;

3. Expresses regret also at the ensuing violence which has claimed the lives of the Prime Minister, Cabinet Ministers, Government officials and thousands of other civilians;

4. Condemns the ongoing violence in Rwanda, particularly in Kigali, which endangers the lives and safety of the civilian population;

5. Strongly condemns the attacks against UNAMIR and other United Nations personnel leading to the deaths of and injury to several UNAMIR personnel and calls upon all concerned to put an end to these acts of violence and to respect fully international humanitarian law;

6. Demands an immediate cessation of hostilities between the forces of the Government of Rwanda and the Rwandese Patriotic Front and for an end to the mindless violence and carnage which are engulfing Rwanda;

7. Commends the active role of the Special Representative of the Secretary-General and of the Force Commander to bring about a cease-fire and to mediate between the parties in order to bring about the earliest resolution of the Rwandan crisis;

8. Decides, in the light of the current situation in Rwanda, to adjust the mandate of UNAMIR as follows:

(a) to act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire;

(b) to assist in the resumption of humanitarian relief operations to the extent feasible; and

(c) to monitor and report on developments in Rwanda, including the safety and security of the civilians who sought refuge with UNAMIR,

and authorizes a force level as set out in paragraphs 15 to 18 of the Secretary-General's report of 20 April 1994 for that purpose;

9. Decides to keep the situation in Rwanda under constant review and states its readiness to consider promptly any recommendations which the Secretary-General may make concerning the force level and mandate of UNAMIR in the light of developments;

10. Reiterates the crucial importance of the full implementation of the Arusha Peace Agreement to the settlement of the Rwandan conflict and invites the Organization of African Unity (OAU) to continue to cooperate fully with the United Nations in this regard;

11. Commends the efforts made by the leaders of the subregion at finding a solution to the crisis in Rwanda and calls on the leaders of the region, especially the facilitator to the Arusha peace process, to persevere and intensify their efforts, in cooperation with the OAU and the United Nations;

12. Reaffirms that the Arusha Peace Agreement remains the only viable framework for the resolution of the Rwandan conflict and serves as the basis for peace, national unity and reconciliation in the country and calls on the parties to renew their commitment to this Agreement;

13. Calls also upon the parties to cooperate fully in ensuring the unimpeded delivery of humanitarian assistance to all in need throughout Rwanda and in this regard appeals to the international community to provide increased humanitarian assistance commensurate with the scale of the human tragedy in Rwanda;

14. Affirms its commitment to preserving the unity and territorial integrity of Rwanda;

15. Invites the Secretary-General to continue to monitor the events in Rwanda and to report fully to the Council on the evolving situation not later than fifteen days after the adoption of this resolution;

16. Decides to remain actively seized of the matter.

UNITED
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Security Council

Distr.
GENERAL

S/1994/489
22 April 1994

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE STATUS OF THE IMPLEMENTATION OF THE PLAN FOR THE ONGOING MONITORING AND VERIFICATION OF IRAQ'S COMPLIANCE WITH RELEVANT PARTS OF SECTION C OF SECURITY COUNCIL RESOLUTION 687 (1991)

I. INTRODUCTION

1. The present report is the fifth submitted pursuant to paragraph 8 of Security Council resolution 715 (1991), adopted on 11 October 1991, which requests the Secretary-General to submit a report to the Council every six months on the implementation of the Special Commission's plan for ongoing monitoring and verification of Iraq's compliance with relevant parts of section C of Security Council resolution 687 (1991). It updates the information contained in the first four reports (S/23801, S/24661, S/25620 and S/26684).

2. Further information concerning developments relating to the implementation of the plan is contained in the reports to the Security Council of the high-level talks, held in November 1993 and March 1994, between the Special Commission and the International Atomic Energy Agency (IAEA) on the one hand and Iraq on the other (S/26825 and Corr.1 and S/1994/341). The attachment to document S/1994/341 contains an outline of the activities planned by the Special Commission to implement ongoing monitoring and verification of Iraq's obligation not to reacquire the weapons banned to it under section C of resolution 687 (1991). Document S/1994/151 contains the text of a joint statement made by the Deputy Prime Minister of Iraq and the Executive Chairman after the February 1994 round of high-level talks in Baghdad.

II. DEVELOPMENTS DURING THE PERIOD 10 OCTOBER 1993-10 APRIL 1994

A. Acknowledgement of resolution 715 (1991)

3. The major development in the period under review was Iraq's acceptance of Security Council resolution 715 (1991), received in the form of a letter from the Deputy Prime Minister of Iraq, Mr. Tariq Aziz, to the President of the Security Council (S/26811, annex). This came at the end of a round of

high-level talks held in New York between the Special Commission and IAEA, on the one hand, and Iraq, on the other, reported in documents S/26825 and Corr.1.

B. Provision of information

4. At that time, Iraq declared that its previous declarations concerning its current dual-purpose capabilities should be "considered to have been made and submitted in conformity with the provisions of Security Council resolution 715 (1991) and the plans approved thereunder". The Commission responded to Iraq that those previous declarations were deficient in many regards and could not be considered as initial declarations under the plans, nor did they constitute a sufficient basis for the proper planning and implementation of ongoing monitoring and verification.

5. To assist Iraq in the preparation of adequate declarations, the Commission prepared formats in which such declarations should be made. The first of these, covering ballistic missiles and chemical weapons, were provided to Iraq in late December 1993. The Commission received in Baghdad Iraq's first declarations on 16 January 1994. While these new declarations were a considerable improvement on Iraq's earlier reporting, they still were incomplete, particularly those relating to chemical facilities. In some instances, Iraq not only failed to answer some of the questions contained in the formats, but unilaterally rewrote the formats to delete those questions.

6. In parallel with its efforts to elicit full information on current dual-purpose capabilities, the Commission continued its efforts to obtain a complete account of Iraq's programmes banned under the terms of section C of resolution 687 (1991). Only with full information about these programmes and complete information on current dual-purpose capabilities would the Commission be in a position to plan and implement an effective ongoing monitoring and verification system.

7. Efforts here concentrated on information relating to the supply of precursor chemicals, chemical agent production capacity and its utilization, expenditure of SCUD-derivative missiles and suppliers of components for missile production. Discussions on chemical issues took place in the framework of the high-level talks held in Baghdad in February 1994 and in New York in November 1993 and March 1994. Ballistic missile issues were also addressed in the New York meetings. The outcome of these discussions was reported in documents S/26825 and Corr.1 and in the enclosure to document S/1994/341. In the absence of documentation that would assist in the verification of the latest data provided on chemical programmes, the Commission intends to send a team of experts to Iraq in May 1994 in order to interview former senior personnel associated with the programmes.

C. Operations

8. The concept of how the Commission intends to conduct ongoing monitoring and verification is contained in the plan approved by Security Council resolution 715 (1991) (S/22871/Rev.1). It was summarized in the attachment to document S/1994/341.

9. In parallel with the above efforts to elicit further information, the Commission has continued its assessment of Iraq's capabilities, in terms of sites, activities, equipment and materials, which will need to be monitored under the plan for ongoing monitoring and verification. Planning and identification of means for such monitoring is well advanced. These efforts have drawn upon international expertise through the holding of topic-specific seminars in the Commission's headquarters in New York. Trials have been conducted on certain of the tagging and sensor techniques to be deployed for ongoing monitoring and verification purposes. Several inspections focused primarily on ongoing monitoring and verification have already been launched or completed. Details of activities undertaken are contained in annex I to the present report.

10. Plans for further ongoing monitoring and verification activities remain as detailed in the attachment to document S/1994/341 with the following updates:

(a) The ballistic-missile protocol-building team planned to start its tasks on 30 March 1994, is now in Iraq and working smoothly, with good Iraqi cooperation;

(b) The chemical sensors referred to in paragraph 8 of the attachment have now, with the assistance of Iraq, been installed and their performance is being assessed;

(c) The biological protocol-building team started its mission in Baghdad on 8 April 1994;

(d) A team to assess plans for establishing a monitoring centre in Baghdad arrived there on 10 April 1994.

D. Export/import monitoring mechanism

11. Paragraph 7 of resolution 715 (1991) requires the Commission, in cooperation with the Committee established under resolution 661 (1990) and the Director General of IAEA, "to develop a mechanism for monitoring any future sales or supplies by other countries to Iraq of items relevant to the implementation of section C of resolution 687 (1991) and other relevant resolutions, including the plans approved hereunder". The Commission and IAEA have prepared a concept paper outlining a mechanism which, in their view, would fulfil the requirements of resolution 715 (1991). It is the intention of the Commission and IAEA to present the paper formally to the Committee established under resolution 661 (1990) before the end of April 1994. Thereafter, the three bodies will need to submit their joint recommendations to the Security Council for its consideration.

Prospects for the future

12. As indicated in the attachment to document S/1994/341, the Special Commission is mobilizing its resources and those of supporting Governments to ensure that an effective ongoing monitoring and verification system will be implemented as soon as feasible. However, in reaching that stage, the Commission is, in large part, dependent on the actions of others, foremost among which is Iraq itself. Without the cooperation of the Iraqi authorities, both in the provision of relevant information and in undertaking the many actions required of them to establish the system, effective implementation of the plan cannot be assured.

13. Iraq has, on several occasions and most notably in the joint statement (S/1994/151) issued at the end of the high-level talks held in Baghdad in February 1994, stated its intention to so cooperate in order to expedite the establishment of ongoing monitoring and verification, thereby enabling the Commission and IAEA to report Iraq's fulfilment of the terms of paragraph 22 of resolution 687 (1991). The Commission hopes and expects this to be the case. However, during the latest round of high-level talks between the Commission and Iraq held in New York in March 1994 and reported in document S/1994/341, Iraq expressed a lack of confidence in the impartiality of the Commission and implied that, unless the Commission reported immediately under paragraph 22 of resolution 687 (1991), cooperation might be withdrawn.

14. It was in the light of these statements that the Commission viewed with great concern an incident involving one of its helicopters, in which a crowd threw stones at the helicopter as it was taking on board two injured soldiers from the United Nations Guards Contingent in Iraq for medical evacuation. A full account is contained in annex II to the present report.

15. This incident placed the aircraft and those on board in severe danger. Iraq is required, under its obligations in respect of United Nations operations in Iraq and, in particular, under the status arrangements through which the Special Commission operates in Iraq, resolution 707 (1991) and the plans for ongoing monitoring and verification approved by resolution 715 (1991), to ensure the safety and security of Special Commission personnel and property. Iraq's failure in this instance to provide adequate security was strongly protested by the Commission to Iraqi authorities in both Baghdad and New York.

16. In response, the Iraqi Government has firmly denied any involvement in the attack, blaming the Commission for the alleged last minute change in landing site. However, the Commission has noted Iraq's assurances that this incident should not be seen as being in any way politically motivated and its undertaking to ensure that similar incidents do not recur.

Annex I

Ongoing monitoring and verification activities

I. BALLISTIC MISSILES

1. Iraq's acceptance of its obligations under Security Council resolution 715 (1991) led to intensive work to establish a monitoring mechanism of missile-related activities and dual purpose capabilities in Iraq pursuant to the plan for ongoing monitoring and verification in the non-nuclear area (S/22871/Rev.1). These efforts included a number of inspections, assessment of Iraq's declarations submitted under the plan, identification of focal points for monitoring and appropriate monitoring techniques including their field trials, preparation of draft ongoing monitoring and verification protocols, and in-depth discussions with the Iraqi side of monitoring issues, including during the rounds of high-level talks both in New York and in Baghdad. In parallel, the Special Commission continued its investigation into the past prohibited missile programmes of Iraq and of Iraq's compliance with resolution 687 (1991).

A. UNSCOM 66

2. UNSCOM 66 carried out an inspection in Iraq over the period from 21 to 29 January 1994. In view of Iraq's acceptance of resolution 715 (1991), UNSCOM 66 was tasked to accomplish the following missions:

(a) To update data collected by previous inspection teams on Iraq's missile research and development (R&D) programme;

(b) To examine issues related to Iraq's reporting on facilities to be monitored under the ongoing monitoring and verification plan in the missile area as approved by resolution 715 (1991);

(c) To conduct a preliminary survey for possible application of appropriate monitoring sensors and technologies.

3. UNSCOM 66 visited a number of R&D and industrial facilities to be monitored under the ongoing monitoring and verification plan. Iraq provided the team with a detailed update of its current missile programmes relevant to surface-to-surface missiles with a range greater than 50 kilometres.

4. UNSCOM 66 carried out extensive work related to Iraq's reporting obligations under the ongoing monitoring and verification plan. This included discussions of Iraq's reporting on facilities to be monitored, examination of declarations submitted by Iraq in January 1994 pursuant to the ongoing monitoring and verification plan and practical on-site investigation of relevant issues. This work resulted in a draft format for Iraq's reporting on those missile R&D and production facilities that would be under the most intensive monitoring regime. During inspection and soon after it, Iraq submitted to the Special Commission reports under this format for all relevant facilities. As a

result of UNSCOM 66, Iraq also provided corrections to its January declarations under the ongoing monitoring and verification plan in the missile area.

5. UNSCOM 66 started a survey of sites where installation of sensors and use of other technologies might be appropriate for monitoring purposes. This survey addressed issues of inventory control of dual-purpose equipment, non-removal of equipment from declared facilities and monitoring of activities at facilities. Use of a variety of sensors and recording devices could be an important part of monitoring procedures under the ongoing monitoring and verification plan.

B. UNSCOM 69

6. UNSCOM 69 was in Iraq from 17 to 25 February to accomplish the following missions:

(a) To assess Iraq's dual-purpose missile industrial capabilities that might be used in support of missile production;

(b) To continue compiling the database on Iraq's machine tools and equipment usable for missile production;

(c) To carry out an assessment of possibilities to install sensors and use other technologies to monitor missile-related activities.

7. UNSCOM 69 visited 15 facilities in Iraq, identified a number of focal points for monitoring activities at those sites and carried out a survey for the use of sensors. The machine tool database built by the previous inspection team (UNSCOM 57) was updated, new machines were recorded and some items were tagged.

8. The results of UNSCOM 69 provided the Commission with the necessary background data to refine a scope of facilities for ongoing monitoring and verification under the ongoing monitoring and verification plan.

C. UNSCOM 71

9. Based on the results of UNSCOM 66 and 69, UNSCOM 71 was organized to prepare draft ongoing monitoring and verification protocols for facilities identified so far by the Commission as needing to be subject to ongoing monitoring and verification. A monitoring and verification protocol would incorporate detailed procedures for monitoring activities utilizing a variety of different means at sites in Iraq covered by the ongoing monitoring and verification plan. It would also contain systematized collection of information known about a specific site essential for effective monitoring and verification. Once created, the protocol for a given site would be updated as a result of monitoring and verification activities at that site.

10. UNSCOM 71 started its activities in Iraq on 30 March. The team will continue its work through a succession of rounds of visits to Iraq until the accomplishment of all its tasks. It is anticipated that this will take at least two months.

11. At the time of writing, UNSCOM 71 has completed its first round of activities in Iraq. During this round, the team visited nine facilities to be placed, depending on the nature of their activities, under different regimes of monitoring. UNSCOM 71 also verified on-site Iraq's declarations and reports for monitoring and verification protocols on facilities visited by the team. The team is currently working on the draft protocols for those facilities. UNSCOM 71 will return to Iraq on 18 April to start the second round of its inspection activities. In total, it will visit more than 30 sites.

D. Other activities

12. In support of its efforts to establish a mechanism for ongoing monitoring and verification, the Commission held a number of meetings with international experts. During these meetings, issues were discussed related to the assessment of Iraq's declarations, identification of focal points for monitoring missile-related activities and appropriate monitoring techniques, including sensors, to ensure effective monitoring. Lists of dual-purpose equipment, technologies and other items that could be used for the development, production, modification or acquisition of ballistic missiles with a range greater than 150 kilometres were also discussed.

E. Past prohibited activities

13. The Commission continued its investigation of the outstanding issues related to the past missile programme proscribed under resolution 687 (1991). This work is essential to establish a solid and verified baseline for ongoing monitoring in accordance with resolution 715 (1991). In particular, this will allow the Commission to have a full and comprehensive picture of the knowledge and know-how Iraq obtained in the missile area through its past activities.

14. Issues related to programmes proscribed under section C of resolution 687 (1991) were discussed with Iraq on a continuous basis, especially during the rounds of the high-level talks in November 1993 and March 1994 in New York. Iraq has furnished additional details on foreign acquisition of critical ballistic missile items as well as its expenditure of ballistic missiles with a range greater than 150 kilometres.

15. The Commission continued to reiterate its request that Iraq provide original documentation that would substantiate the declarations made by Iraq concerning its past prohibited missile programmes. During the February visit of the Executive Chairman of the Special Commission to Baghdad, Iraq finally agreed to hand over to the Commission documentation on the expenditure of prohibited missiles. This documentation covers the period from 1977 to December 1990 and accounts for nearly three quarters of the missiles covered by resolution 687 (1991) and declared by Iraq. Currently, the Commission is conducting an in-depth investigation of these documents and information contained therein. The results of this investigation will be critical for the Commission's reporting to the Security Council under paragraph 22 of resolution 687 (1991).

II. CHEMICAL

A. Data collection

16. In parallel with the various rounds of high-level political talks, UNSCOM experts have held three technical meetings with Iraq on chemical weapons issues.

1. Past programmes

17. In the course of the meeting held in New York in November 1993, Iraq stressed that it had tried to meet all the requirements put forward by the Commission on the provision of information. However, Iraq agreed to endeavour to address any questions that might arise during the Commission's verification activities. The Commission, for its part, informed Iraq that it had assessed as credible the information provided in the talks held in Baghdad in October 1993 regarding Iraq's past chemical weapons programme. However, in the absence of documentation, independent verification of the data remained problematic. The Commission suggested that Iraq, in order to address that problem in part, hold seminars of the officials involved in the chemical weapons programme aimed at stimulating their collective memory to remember details that might facilitate independent verification. The issue of equipment and chemicals left at the Muthanna State Establishment was also discussed. It was agreed that the Commission should send a mission to Baghdad in January 1994 to mark equipment in order to prepare an inventory as to the release or disposal of this equipment. Further discussion was reserved on the release or disposal of chemicals remaining at the site.

18. During the meeting held in Baghdad in February 1994, Iraq informed the Commission of the results of its seminar with senior Iraqi personnel formerly involved in the chemical weapons programme. Additional data on outstanding issues, e.g. the research and development programme and imports of precursor chemicals, were provided.

19. During the meeting held in New York in March 1994, the Commission asked Iraq for additional details to fill in gaps in previously provided information. In response, Iraq presented the results of another seminar it had convened, this time involving retired former officials. These included a breakdown of the quantities of imported precursor chemicals by year and contract. In addition, Iraq was able to present a correlation, on an annual basis, between produced quantities of agents, available precursor chemicals, stored and consumed agents, and available chemical production capacity. A complete overview of its chemical weapons research and development programme, including time-frames, was also provided.

20. The additional information obtained during the course of these meetings was essential to the Commission's efforts to obtain as full a picture of Iraq's chemical weapons programme as possible. For example, in October 1993 Iraq declared 13,221 tons of traceable imported precursor chemicals; in February 1994, 15,037 tons; and in March 1994, 17,657 tons. The declared quantities of produced agents, however, remained unchanged at 4,340.5 tons.

21. The picture created by this additional information is more internally consistent than previous accounts given by Iraq. The order of magnitude of the declared figures appears credible. However, in the absence of supporting documentary evidence, the issue of independent verification remains. In this context, the Commission plans, in April 1994, to interview the personnel involved in Iraq's data recollection seminars.

2. Declarations of dual-purpose facilities

22. In December 1993, the Commission provided Iraq with model formats for the latter's initial declarations, required under the plan for ongoing monitoring and verification, of dual-purpose chemical facilities. On 16 January 1994, Iraq delivered to the Commission's field office in Baghdad partially completed formats. At subsequent meetings of the two sides, Iraq was informed by the Commission of the inadequacies of these returns and of what was required to bring them into conformity with the Commission's requirements. Iraq was told that full initial declarations were one of the main prerequisites for the protocol-building procedure and hence for the initiation of ongoing monitoring and verification.

B. Inspections

23. In the period from 1 to 11 February 1994, UNSCOM 67/CW 13 inventoried and tagged approximately 240 pieces of dual-use chemical production equipment. This equipment had been procured under the auspices of Iraq's chemical warfare programme. On 14 March 1994 Iraq was informed that 44 pieces that had been used for the production of agents and precursor chemicals would have to be destroyed. Iraq was provided with precise descriptions of those items. In addition, Iraq was asked to provide, by 30 April 1994, a detailed description of the intended permitted future use of the remaining tagged equipment for a final decision on their disposal. Those items not destroyed would then be subjected to ongoing monitoring and verification.

24. In the course of UNSCOM 67/CW 13, the team also visited the Ibn al Baytar facility in order to create a monitoring and verification protocol for that site. The purpose of this was to assess whether the general model for monitoring and verification protocols developed in the Commission's headquarters in New York was indeed applicable in practice to dual-purpose chemical facilities.

25. During the period from 20 to 26 March 1994, UNSCOM 70/CW 14 installed four air samplers at the Muthanna site. These samplers are designed to determine the types and levels of chemicals in the air at that site. The team also employed portable samplers that took additional samples for gaining an even more comprehensive survey of the air at Muthanna. The samplers were installed in a pattern that would cover air quality on the site from all wind directions. An Iraqi maintenance and construction crew prepared the mounting poles for the samplers. The samplers were programmed to sample the air around the clock in a discontinuous mode for a 30-day period. The sample tubes are to be removed, replaced with fresh tubes every 30 days and sent to laboratories for analysis.

The sampler mechanism is microprocessor-controlled and is powered by a storage battery charged by a solar panel. A microprocessor-driven meteorological station is mounted on one of the samplers to record hourly wind speed, wind direction, temperature and humidity. The meteorological data are to be down-loaded each time the sampler tubes are changed and will become a part of the permanent record of the sample set.

III. BIOLOGICAL

26. The first biological inspections in the baseline process started with the arrival in Iraq of the fourth biological inspection team on 8 April 1994. The team is scheduled to conduct its activities over a three-week period. The main purpose of this inspection is to verify the declarations submitted by Iraq in January 1994, pursuant to the plan, approved by Security Council resolution 715 (1991), for the ongoing monitoring and verification of Iraq's compliance not to reacquire items prohibited under resolution 687 (1991). Other objectives of this inspection are to provide an assessment of the work being undertaken and of the equipment present at those biological facilities declared by Iraq, many of which have never been visited by the Special Commission; to establish an inventory of said equipment for future tagging; and to draft a format for Iraq's regular reports under the monitoring and verification plan.

A. Talks with Iraq to fill in data gaps

27. In November 1993, discussions that had started in October 1993 regarding formats for reporting under the plan continued. The purpose of these discussions was to provide the Government of Iraq with a frame that would facilitate reporting under the plan by the drafting of limited-text answers, yes/no answers or multiple-choice answers.

28. Following the presentation of Iraqi declarations in January 1994, high-level talks were conducted with Iraqi officials in February and March 1994. These discussions focused upon the information to be provided by Iraq for an efficient and effective monitoring of the biological area. The outcome of these discussions was the provision by Iraq of a new version of the declarations required under the plan in a form that would allow completeness and clarity of the information to be analysed.

B. Seminars of experts in New York

29. In March 1994, a seminar of international experts was held in New York to prepare for inspections connected with establishing the biological baseline. Further seminars to discuss past programmes, Iraq's declarations under the biological provisions of the plan for ongoing monitoring and verification, sensors and other monitoring technologies, monitoring modalities and requirements for training of monitoring inspectors are planned.

C. Protocol-building efforts

30. Efforts to build the protocols for each biological site are under way. The information relating to geographic location has been compiled or will be gathered during the first visit inspection to take place in April 1994. The remaining information will be assembled throughout the baseline process. A draft of the format for information to be provided by Iraq under the protocol will be developed during the inspection in April 1994.

D. Sensor/tagging trials

31. A feasibility study of monitoring by cameras will be conducted during the April inspection. Further efforts in this field will be effected by way of seminars in the coming month. Tagging technologies have already been identified and deemed appropriate with respect to biotechnological equipment.

IV. NUCLEAR

32. Activities in the nuclear area since 10 October 1993 are reported in the IAEA report (S/1994/490, appendix). In support of its obligation to designate sites, including in the nuclear area, the Special Commission conducted one gamma survey in the period under review.

33. The second gamma aerial survey mission performed its mission from 2 to 15 December 1993. During this mission, the team surveyed six sites. It obtained detailed gamma spectra at radioactive disposal areas at Tuwaitha as well as two areas at Al Atheer. In addition, gamma surveys were conducted at Rashdiya, Al Hadre, a site near Tikrit and Salah al-Din State Establishment (SAAD-13). While the data are still being analysed, early indications show the power of this capability to survey a relatively large area rapidly and to pinpoint particular sites for more detailed investigation. This system is still being developed, and evident improvements are under way.

V. AERIAL INSPECTIONS

34. The Commission's aerial inspections, using both helicopters and high-altitude surveillance aircraft, continued over the period under review. The Commission's high-altitude reconnaissance aircraft (U-2) now flies once or twice a week, having flown a total of 201 missions since the inception of its use in support of the Commission's operations. The Commission's helicopters have now flown 273 missions, covering some 395 sites. The aerial inspection team currently conducts three to four flights a week.

Annex II

Helicopter-stoning incident

1. While it was undertaking a humanitarian mission to evacuate, at the request of the United Nations Guards Contingent in Iraq, two United Nations soldiers shot in the north of Iraq during an ambush, a Special Commission helicopter was stoned by a crowd that had gathered at the landing site used to take on board the injured.

2. For this operation, the Commission had followed normal procedures, informing the Iraqi authorities first orally and, at 1100 hours on the morning of the mission, in writing of the flight plan and landing site to be used (a playing field adjacent to the Mosul Saddam Hospital). Iraq had officially expressed agreement to these plans. 1/

3. Upon landing at the hospital at 1600 hours, the helicopter was surrounded by a crowd. When the ambulance arrived with the two guards, the crowd sought to hinder its passage to the aircraft and started to throw stones. Only a few of the Iraqi military personnel on hand sought to intervene, ineffectively.

4. Once the injured had been loaded onto the helicopter, the Iraqi soldiers gave up their efforts to control the crowd, who pelted the helicopter with stones. Damage was sustained to all six rotor blades and stones that went into the air intakes damaged the motor bearings and turbine. Further damage was sustained to windows and the fuselage. This damage grounded the aircraft for a period of three weeks while repairs, costing around $1.5 million, were undertaken.

5. The pilot of the helicopter decided that, regardless of the damage sustained by the helicopter, immediate departure was the surest way to safeguard the lives of the crew and passengers and to escape a dangerous situation.

Notes

1/ Contrary to an Iraqi press release dated 29 March 1994, there was no last minute change of flight plan or landing site. Indeed, Iraqi personnel in Mosul had assisted in the preparation of the landing site at 1130 hours and in Baghdad had received a written flight plan containing flight path and landing site details.

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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the members of the Security Council the attached communication dated 20 April 1994, which he has received from the Director General of the International Atomic Energy Agency (IAEA).

Annex

Letter dated 20 April 1994 from the Director General of the International Atomic Energy Agency to the Secretary General

Paragraph 8 of resolution 715 (1991), adopted by the Security Council on 11 October 1991, requests the Director General of the International Atomic Energy Agency (IAEA) to submit to the Security Council reports on the implementation of the Agency's plan for future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of resolution 687 (1991). These reports are to be submitted when requested by the Security Council and, in any event, at least every six months after the adoption of resolution 715.

Accordingly, I am requesting you kindly to transmit to the President of the Security Council the enclosed fifth six-monthly report on the implementation of the plan. I remain available for any consultations you or the Council may wish to have.

(Signed) Hans BLIX

Appendix

Fifth report of the Director General of the International Atomic Energy Agency on the implementation of the Agency's plan for future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of resolution 687 (1991)

I. INTRODUCTION

1. On 11 October 1991, the Security Council adopted resolution 715 (1991) approving, inter alia, the plan submitted by the Director General of the International Atomic Energy Agency for future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of Part C of Security Council resolution 687 (1991) and with the requirements of paragraphs 3 and 5 of resolution 707 (1991) (see S/22872/Rev.1 and Corr.1). In paragraph 8 of resolution 715 (1991), the Security Council requested the Director General of IAEA to submit to it reports on the implementation of the plan when requested by the Security Council and, in any event, at least every six months after the adoption of resolution 715 (1991). The Director General has submitted thus far four reports, circulated on 15 April 1992 (S/23813); 28 October 1992 (S/24722); 19 April 1993 (S/25621); and 3 November 1993 (S/26685), respectively.

2. The Director General hereby submits the fifth six-monthly report on the implementation of the plan for future ongoing monitoring and verification related to Iraq's nuclear capabilities (hereinafter referred to as the plan).

3. Since the last report of 3 November 1993, IAEA has carried out three inspection missions in Iraq, the twenty-second (1-15 November 1993), the twenty-third (4-11 February 1994) and the twenty-fourth (11-22 April 1994). The detailed reports on the results of the twenty-second and twenty-third inspections are contained in documents S/1994/31 of 14 January 1994 and S/1994/355 of 25 March 1994, respectively. The report on the results of the twenty-fourth inspection is expected to be issued shortly.

4. Three more rounds of high-level technical talks were held between IAEA and the United Nations Special Commission, on the one hand, and Iraq, on the other hand. These discussions, which were continuations of the talks held from 1 to 9 September 1993 in New York, and from 27 September to 8 October 1993 in Baghdad, took place from 15 to 30 November 1993 at United Nations Headquarters in New York, from 1 to 4 February 1994 in Baghdad and from 14 to 19 March 1994 again in New York. Comprehensive reports on four rounds of the talks are contained in documents S/26451, S/26571, S/26584 and S/1994/341. Another round of talks will be held in Baghdad from 23 to 26 April.

5. The focus of the talks has been the implementation of the IAEA and Special Commission plans for ongoing monitoring and verification approved by the Security Council in resolution 715 (1991) and the resolution of outstanding issues between Iraq and the two organizations.

6. The most significant progress that took place in the course of the high-level technical talks was the formal acceptance by Iraq, in a letter of

26 November 1993 from the Minister for Foreign Affairs of Iraq to the President of the Security Council (S/26811), of the obligations set forth in resolution 715 (1991) and Iraq's agreement to comply with the provisions of the plans for monitoring and verification as contained therein.

7. The Iraqi representatives continued to press for a definite date by which IAEA and the Special Commission would submit reports to the Security Council indicating Iraq's compliance with the relevant paragraphs of resolution 687 (1991), with a view to achieving the lifting of the oil embargo by operation of paragraph 22 of resolution 687 (1991). However, it is not yet possible or practical for either IAEA or the Special Commission to commit to such a date at this stage.

8. The progress made in the last six months is summarized below in the relevant sections of the present report. As a general comment it must be noted that, since the beginning of the high-level technical talks initiated by a visit of Chairman Ekéus to Baghdad in July 1993, a marked improvement has occurred in the working relationship with the Iraqi side. An evident effort is now deployed by the Iraqi authorities to provide promptly the information needed to fulfil the requirements of the different resolutions, to remove remaining gaps or uncertainties, to reconcile discrepancies between previous Iraqi declarations and IAEA's findings and to provide all the necessary assistance to implement the plan.

II. DECLARATION OF ITEMS SUBJECT TO THE PLAN

9. Paragraph 22 and annexes 2 and 3 of the IAEA plan approved by the Security Council in resolution 715 (1991) set forth in detail the information and reporting requirements necessary for satisfactory implementation of the plan. As pointed out in previous reports, the overall quality of the documentation provided under the plan in the past by the Iraqi officials left much to be desired in terms of completeness and accuracy.

10. In order to assist the Iraqi side to bring their reporting to the necessary standard, a set of forms is being developed by IAEA that will cover the various reporting requirements in such a way as to facilitate the electronic processing of the information. Detailed guidelines on the completion of the forms are also being prepared. A first set of these forms, related to information on facilities, locations and sites, and using this improved reporting frame, was completed by Iraq and submitted to IAEA at the end of March 1994. A summary appraisal has shown that, subject to minor improvements, an acceptable reporting standard is now at hand.

III. RADIOMETRIC HYDROLOGIC SURVEY

11. As part of its twice yearly radiometric survey of the surface waters of Iraq, IAEA carried out the second water sample collection of 1993 and the first of 1994. A total of 15 sites along the Tigris-Euphrates watersheds were sampled in each campaign and the results are being analysed.

IV. PERIODIC INSPECTION ACTIVITIES

12. Three inspection missions have been carried out since the last report on the implementation of the plan. In the course of these inspections, monitoring activities were conducted, including short-notice inspections, at the eight "core" sites of the former Iraqi nuclear programme and at a number of other sites, facilities and installations that had supported the programme and where dual-use machine tools and other material and equipment relevant to annex 3 to the plan and subject to monitoring are located. On the average, each inspection has covered 40 facilities, installations and sites. Nothing was observed that was indicative of prohibited activities.

13. In the course of the most recent inspections, IAEA installed video surveillance systems at Um Al Ma'arik, where major components of the electromagnetic isotope separations (EMIS) modules had been fabricated. Preparations were made for future installation of surveillance systems at the Nassr State Establishment in the flow-forming machine workshop.

V. NUCLEAR MATERIAL BALANCE

14. IAEA is in the process of corroborating, with the assistance of the Brazilian Government, data provided by Iraq on the 20.6 tons of natural uranium in the form of UO_2 declared by Iraq to have come from Brazil. The inspection teams have completed detailed microscopic examination, bulk density assessments and sampling for chemical analysis of the material in question, the preliminary results of which indicate that the material is not indigenous to Iraq.

15. Areas of uncertainty in the total amount of natural uranium contained in the wastes arising from the processing of indigenous Iraqi uranium concentrates in the UO_2-UCl_4 plants at Al-Jezirah are being clarified with the assistance of the Iraqi management of the plant, which has provided additional analytical data. If confirmed by IAEA, the data should permit resolution of this issue.

16. Discrepancies between the inspection findings and the Iraqi declarations are now limited to the sources of uranium processed in Building 73a at Tuwaitha and described in the report of the eighteenth inspection mission (see S/25666, annex). Additional filters said to have been probably taken from elsewhere in complex 73 have been presented to the inspectors and samples were taken for chemical and isotopic analysis during the twenty-fourth inspection. Despite repeated efforts from both sides, this matter remains open, although it is believed that its resolution will not have a significant impact on the overall accuracy of the uranium material balance.

VI. EQUIPMENT AND MATERIALS

17. As described in the previous report, IAEA had indications that a considerable number of Matrix-Churchill CNC machine tools exported to Iraq were still missing and that this matter had to be further pursued. This issue finally was resolved, with the assistance of the Iraqi authorities, during the

twenty-third inspection mission. In November 1993 the Iraqi side declared the prior delivery of a total of 278 Matrix-Churchill CNC turning machines. This number closely approaches the figure of 280 communicated to IAEA by the exporting country. To date, 272 Matrix-Churchill CNC turning machines have been located and examined by IAEA inspectors. Machine tool experts who assisted IAEA in the evaluation of the capability of these machines have advised that none of the identified machines supplied to Iraq are of the quality that would require their declaration under annex 3 to the plan. Furthermore, a written statement has been provided by the successor company to Matrix-Churchill certifying that none of the Matrix-Churchill CNC turning machines supplied to Iraq met the annex 3 quality specifications. In consultation with the Special Commission, it was decided that none of the 272 Matrix-Churchill CNC turning machines identified in Iraq fall within the category of items subjected to routine monitoring and verification under either plan and that, therefore, the tagging seals would be removed by IAEA inspectors in the course of the next inspections. This decision was communicated to the Iraqi authorities on 30 March 1994.

18. Comprehensive verification of the inventory of the major components of the Tammuz-1 and Tammuz-2 research reactors was completed during the twenty-third inspection, with the participation and assistance of an expert from the supplier State. It was possible to conclude that all of the sensitive components of the two reactors were now satisfactorily accounted for.

19. A number of requests have been submitted by Iraq for the release, for use in civilian needs, of certain items of equipment and material. Notification and prior consent for such action is required by paragraph 3 (iii) of resolution 707 (1991). The procedures for handling those requests are detailed in paragraph 25 of the IAEA plan, which requires a decision by the Director General, with the assistance and cooperation of the Special Commission. In accordance with paragraph 25 of the plan, the specific procedures for the release of these items subject to the requests have been established and are being implemented.

VII. PROCUREMENT-RELATED INFORMATION

20. Since the last report, the Iraqi authorities have provided significant and credible information on procurement related to the Iraqi uranium enrichment programme, in particular as regards the sources of maraging steel and outside technical advice for the centrifuge programme.

21. The Iraqi side identified an individual as Iraq's agent for the procurement of the maraging steel, and provided information on the shipments of material, including quantities, physical configuration and transportation routes. Confirmation of this information awaits further follow-up action by the Governments of the relevant Member States.

22. Significant progress was also achieved in the area of the role played by foreign technical advice in the centrifuge enrichment area. During the twenty-second inspection, interviews were conducted with Iraqi personnel, in the course of which the names of individuals, the circumstances under which they became involved and the details of the technical help they provided were given to IAEA.

Information was also provided on the procurement of components of the prototype machines.

VIII. REMOVAL OF IRRADIATED NUCLEAR FUEL ASSEMBLIES

23. Since the last report, the remaining highly enriched uranium, in the form of irradiated fuel, was removed from Iraq, thus completing the removal of declared stocks of nuclear-weapons-usable material from Iraq. The irradiated fuel was removed under contract with the Ministry of Atomic Energy of the Russian Federation and a United States subcontractor. The irradiated fuel, which was removed in two consignments, on 1 December 1993 and 12 February 1994, was transported by air to the Russian Federation, where it will be treated at a reprocessing plant at Chelyabinsk and the product made available for sale under IAEA safeguards.

IX. ESTABLISHMENT OF A MECHANISM FOR FUTURE EXPORT-IMPORT CONTROL

24. Paragraph 7 of Security Council resolution 715 (1991) calls for "... the Committee established under resolution 661 (1990), the Special Commission and the Director General of the International Atomic Energy Agency to develop in cooperation a mechanism for monitoring any future sales or supplies by other countries to Iraq of items relevant to the implementation of section C of resolution 687 (1991) and other relevant resolutions, including the present resolution and the plans approved hereunder".

25. Paragraph 7 of resolution 715 (1991) was adopted within the context of the approval by the Security Council of the plans submitted by the Secretary-General and by the Director General of IAEA for ongoing monitoring and verification of Iraq's undertakings, under paragraphs 10 and 12 of the Security Council resolution 687 (1991), not to reacquire prohibited weapons capabilities. The resolution establishes no fixed duration of such a mechanism, and it has thus been the understanding that the mechanism is intended to make provision for the monitoring of the sale or the supply by other countries to Iraq of items covered by the two plans after the general sanctions imposed by resolution 661 (1991) on those items have been lifted, pursuant to paragraph 21 of resolution 687 (1991). On this understanding, the Special Commission and the Director General of IAEA have prepared, for consideration and approval by the Sanctions Committee, a proposal for a mechanism for export/import monitoring under paragraph 7 of Security Council resolution 715 (1991). The proposal will thereafter be submitted to the Security Council and, once approved, will be applied in the context of the ongoing monitoring activities.

X. SUMMARY AND CONCLUSIONS

26. While Iraq has expressed its strong wish for a specific date by which IAEA would submit to the Security Council the report of Iraq's compliance with the relevant paragraphs of resolution 687 (1991), there remain outstanding actions that would need to be completed. IAEA will have to satisfy itself that it is in

a position to implement fully the ongoing monitoring and verification plan. It is not at this time possible or practical to provide a specific date by which that will happen. The positive attitude adopted by the Iraqi authorities since the initiation of the high-level talks in the second half of 1993 is bearing fruit, should be continued and must be encouraged. This will permit the acceleration of the full implementation of ongoing monitoring and verification.